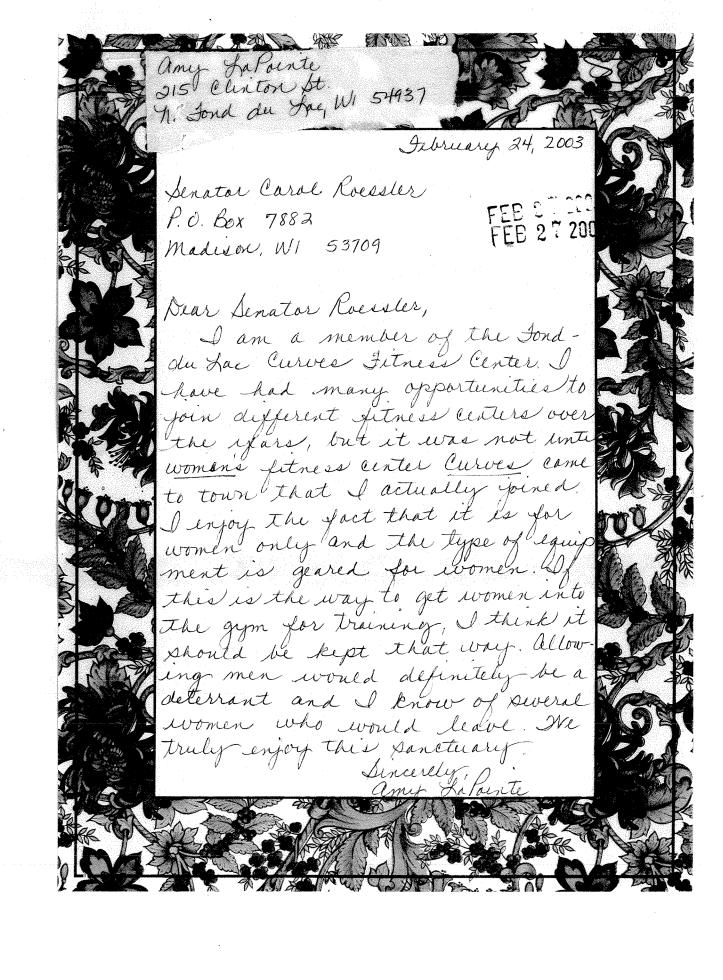
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in anyway. The chiroprocless etc. had grown weary with me. To and Behold - for 4 months now Eve been going (5x a week) My back is strong * pain free as ever. Ist had to Vell you GodBless Hean Harch

P.S. See you at "Mosfite"
We've been attending there aso



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Fond Du Lac, WI 54935 920-907-8121

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TUESDAY, APRIL 1, 2003 OSHKOSH NORTHWESTERN

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EDITORIAL

Frivolous lawsuit must not prompt frivolous law

bill introduced in the state Legislature by Oshkosh's Sen. Carol Roessler shows how frivolous lawsuits can lead to frivolous laws.

Roessler has authored a bill that would exempt women's fitness clubs from the state anti-discrimination laws, which prohibits discrimination in places of public. accommodation based on sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

The genesis of the proposed law comes from a suit filed by La Crosse fitness center owner Charles Swayne against the 173 Wisconsin franchises of "Curves" for what he says are violations of the state's anti-discrimination laws.

Roessler, who also is a member of Curves, has entered dangerous territory. This legislation harkens

back to "separate but equal" public facilities and It rarely is good public is bad. Further it rarely is good public policy to author a law to protect a specific business or industry from lawsuits.

policy to author a law to protect a specific business or industry from lawsuits.

Through all of the arguments in this issue, perhaps the most interesting one is that Curves doesn't prevent men from joining. They may join. It's just that the company caters so strongly to women that no men - not even Swayne - have joined.

This, of course, unloads a lot of the pressure that Swavne has created. Without outright discrimination against men, it patently is difficult to argue otherwise.

It is ironic that women's groups are pressuring Augusta National Golf Course to accept women members but there still is a sentiment in Wisconsin that women's health clubs deserve special exemption from anti-discrimination laws. Can you imagine what would happen if the dowdy members of Augusta asked for a law to exempt the club from discrimination laws?

Regardless, there are two simple steps to avert frivolous legislation to solve frivolous lawsuits that wastes court time and legislative time.

First, Curves can go out and sign up male members to prove it does not discriminate. The lawsuit could be dismissed without long, protracted litigation.

Second, Roessler needs to withdraw her bill. Her legislation threatens to push back years of public progress. Its passage will re-open the way for real discrimination.

The Final Thought: Claims against the 173 Curves franchises in Wisconsin are a bad use of court time and legislative time. A bill by Sen. Carol Roessler to protect Curves heralds the way to reverse years of American social justice. Both should be dismissed.



Senate's 'Curves bill' a fluffy assault on equity

ast week, the state Senate turned back the clock on gender equity, and a woman led

Ithe charge.

The so-called "Curves bill" allows fitness centers to offer their services exclusively to one sex or the other. It is an exemption to Wisconsin's law that says it is illegal to deny anyone the use of public accommodations because of their sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

State Sen. Carol Roessler, R-Oshkosh, introduced the bill at the urging of a Curves fitness centers franchisee. Curves caters to female clients, and is the target of a competitor's sexual discrimination lawsuit. Roessler belongs to

Curves.

This is her muscular argument for the legislation:

"The bill provides for freedom of choice ... for women to choose, if they choose to exercise, with their peers, with other women."

"What I like about it is you can come as you are, and feel like you are at a ladies luncheon

that would be just for the girls."

"(Women) can come as they are, without feeling they have to dress up and wear makeup."

In other words, they want to be comfortable. As were men in the state Legislature before the likes of Roessler came along, and at the Citadel before Shannon Faulkner spoiled things.

What Roessler and the Senate have done, so frivolously, is to chip away at the anti-discrimination statute - at the guarantee of equal access - by resurrecting the tenet that it is acceptable to turn someone who is different away to ensure a group's comfort.

Jermstad, Sara

From: Sent: To: Dave Parker [spike_pt@hotmail.com] Wednesday, April 30, 2003 7:08 PM sen.roessler@legis.state.wi.us

Subject:

gender discrimination

Wednesday, April 30, 2003

This letter is written over concern regarding "women only health clubs" and the fact that such a bill has passed the Wisconsin state senate awaiting Gov. Doyle's approval. To allow a business to discriminate against a person on the basis of their sex should not be permissible even if the clientele of that business "are not comfortable" when the other gender is present.

There was a time when whites "were not comfortable" with blacks sitting on the same bus, so they designated an area to the back of the bus. This was discrimination. There have been institutions "not comfortable" with those practicing homosexuality and have discriminated against them. There are numerous other examples in which one group has not been "comfortable" with a segment of the population. This is not an excuse for discriminating against that group.

In a gender related example, many boys and young men in our middle schools and high schools "are not comfortable" in having to compete against a female wrestler on a school wrestling team, but the young female must be allowed to compete or there is discrimination against her.

If exception is made to laws which prohibit discrimination on the basis of whether or not a segment of the population is "comfortable" with another segment of the population; what is the intent of that law and what other exceptions can be argued?

Sincerely Dave Parker Pine River,

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WISCONSIN'S PROGRESSIVE NEWSPAPER



The Capital Times

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Thursday, May 1, 2003 10:08 AM

The Capital Times

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CURVES: Sexegration at the gym

Assembly throws "Curves" bill to governor

April 30, 2003

Do you remember when boys in high school ran around the track and girls ran around the building? When women couldn't belong to the Rotary? When more than a few golf courses didn't admit women members?

State Rep. Terese Berceau does, and the Madison Democrat tried unsuccessfully to remind legislators of past inequities before they voted 65-31 Tuesday to approve a bil that would allow Curves for Women fitness centers, and others like them, to prevent men from using their facilities. It would also allow male-only fitness facilities.

The Senate previously approved the bill, which was authored by Sen. Carol Roessler, R-Oshkosh, with a vote of 23-8. The Curves organization, faced with more than 170 sex bias complaints from a La Crosse man, had asked for the bill, and so did women who said they don't like to

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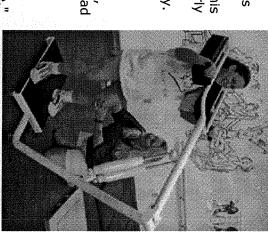
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work out with men.

own female-only fitness center in the early discrimination laws. He wanted to open his in 2000, claiming it violates state anti-Charles Swayne of La Crosse sued Curves would be illegal, according to his attorney. 1990s, but state regulators told him that

said Doyle was considering the bill and had not yet made a decision. Doyle's court, to sign or veto. Dan Now the proposed law is in Gov. Jim Leistikow, a spokesman for the governor,

think the governor will hear the message." overwhelming support," Roessler said. "I "The Legislature has spoken with



Working out at Sun Prairie's new runer under the eye of itness center is member

O First Weber is Everywhere O Relocation O How We'll Sel Your Home O Why We'll Sell Your Home O About firstweber.com So To. First Weber More than 800 professionals in over 30 offices by Henry A. Koshollek) manager Alissa Horstman.

"Not everybody remembers history," Berceau said as she spoke first to the

Democratic Caucus and then to the full Assembly during debate on the matter.

"I am old enough to remember when we couldn't do the same things men did," said Berceau, who is 52. "We had worse equipment. We want equal facilities, not separate. Let's not give the guys an opening. You have to think about what could be lost."

Johnnie Morris-Tatum, D-Milwaukee, agreed.

"It reminded me of the housing issues in Milwaukee. As an African-American woman, this sends alarms and flashes. When it blocks a group of people, it is discrimination. There was a day when this chamber would have been all white males. It would have been comfortable for them. It would not have been right."

Rep. Tom Hebl, D-Sun Prairie, said he was looking at the issue from the perspective of a man who has daughters and stepdaughters. "You can't discriminate a little bit. It's going to be a hollow victory for the ladies," he warned.

But Glenn Grothman, R-West Bend, pointed out that the Wisconsin public accommodations law already has exceptions for dormitories, public toilets, showers, counseling services, domestic abuse shelters and so on.

"It's another small exception," Grothman said, adding that women in his district have been praising the bill.

Rep. Wayne Wood, D-Janesville, said he was especially worried by one word in the bill: "primary."

The bill says that nothing prohibits a fitness center from providing the use of services or facilities exclusively to people of the same sex, or from denying those services or facilities to people of the opposite sex.

The bill defines "fitness center" as "an establishment, whether operated for profit or not for profit, that provides as its 'primary' purpose services or

facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. Fitness center does not include an organization solely offering training or facilities in an individual sport or a weight reduction center.

The bill covers men-only facilities as well, Wood noted, and it covers not-forprofit facilities such as those at a university as well as establishments such as Curves.

"What this will mean in the future, if it can be interpreted in a different way, it will be. What is the purpose of golf? That fits the bill," Wood said. "As I look down the road, I have to vote no."

Rep. Steve Freese, R-Dodgeville, who presides over the Assembly, said after the session that he voted against the bill because he shared Wood's concerns.

"This could give an opportunity for all-male facilities to be propped up," Freese said. "It doesn't make sense to allow exclusivity. That could be used in a discriminatory purpose. You could have a golf course with a fitness center as its primary purpose."

Fifty-five Republicans supported the bill, with only Freese, DuWayne Johnsrud, R-Eastman, and Steve Nass, R-Palmyra, opposing it.

Ten Democrats supported the bill, including Amy Sue Vruwink of Milladore, at 27 one of the youngest legislators.

"I toured the Curves in my district and talked to the women who own it and others elsewhere. A number of my constituents said that no gentlemen wanted to join, but that they would feel uncomfortable if they did," Vruwink said. "It was a vote for the people in my district who took the time to answer my questions. The representatives are doing what they were asked to do."

Lorraine Seratti, R-Spread Eagle, said she believes it was a legitimate request for women to ask for privacy. Women spoke up at a hearing on the bill, she said, including an elderly nun who said, "We are a little bit more

modest."

E-mail: aweier@madison.com

Published: 9:40 AM 4/30/03

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FOR IMMEDIATE RELEASE

Contact: Senator Carol Roessler (888) 736-8720 May 19, 2003

ROESSLER ANNOUNCES THE SIGNING OF THE CURVES BILL INTO LAW

MADISON- Senator Carol Roessler (R-Oshkosh) announced today that Governor Jim Doyle signed the "Curves Bill" into law. This law will permit fitness centers that are specifically intended for one gender to provide services solely to persons of that sex.

"When Governor Doyle signed this bill today, he sent a clear message that physical fitness, exercise, and wellness is important. Furthermore, the signing of this bill confirms that allowing the freedom of personal choice to exercise with persons of the same sex is also important in Wisconsin," stated Roessler.

This legislation received overwhelming support from members of both parties in both houses. In addition to having bipartisan support, it received support from numerous groups of people who traveled to Madison to testify in its favor. Many younger adults, older adults, and people with disabilities stated that they would no longer exercise if this bill did not become law.

"This law is necessary for Curves and similar fitness centers to continue operating, with their intended purpose, in Wisconsin. Because of this legislation, women and men will be able to workout in privacy and will have the ability to exercise freely without the influence of the other gender. In addition, this law was needed to simply allow for separate workout times," Roessler commented.

Roessler concluded, "I applaud Governor Doyle's decision to sign Senate Bill 24 into law. It shows that Wisconsin is promoting healthy lifestyles, which in turn will help to keep healthcare costs down."

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March 17, 2003

Senator

With Down Common Co

Dear Senator:

, State Capitol Madison, WI 53702

Thank you for co-sponsoring/voting/indicating support for Senate Bill 24. Senate Bill as amended by the Senate Committee on Health, Children, Families, Aging and Long Term Care, provides an exception to the public accommodation law for the purpose of fitness centers. The bill passed committee on a vote of 7-2.

During the executive session on Senate Bill 24, Senator Carpenter mentioned that he might possibly be introducing an amendment on the Senate floor. Should Senator Carpenter introduce his amendment, I ask for your support in voting to reject the amendment on the basis that it would not accomplish the purpose of the bill.

The purpose of Senate Bill 24 is to allow fitness centers to legally operate with the purpose of allowing women or men privacy and the ability to exercise freely without t influence of the gender, or to simply allow for separate "workout" times. During the hearing, the committee heard from younger adults to older adults to those with a disability, all saying that if they are not able to exercise in a gender exclusive atmosph they will no longer continue to exercise. In today's society of wellness promotion, we should be helping to promote exercise, not inhibiting it.

Senate Bill 24 would allow the freedom of choice to exercise in gender exclusive facilities Senator Carpenter's amendment would not allow fitness centers to provide services exclusively for either men or women; and therefore, deprives individuals of the freedom of choice.

Again, thank you for your previous/indicated support of Senate Bill 24.

Sincerely,

Legislation to allow the exception for fitness centers, Senate Bill 24, has been overwhelmingly approved on bipartisan votes -7-2 in the Senate Health Committee; 23-8 on the Senate floor; and 9-1 in the Assembly Small Business Committee. Senate Bill 24 is now available for scheduling for debate on the Assembly floor.

The purpose of Senate Bill 24 is to allow fitness centers to legally operate with the purpose of allowing women or men privacy and the ability to exercise freely without the influence of the other gender, or to simply allow for separate "workout" times. Senate Bill 24 would allow men and women the freedom of choice to exercise in gender specific facilities – if they so choose to.

During the public hearings, the committees heard from younger adults, older adults, and those with disabilities, all saying that if they are not able to exercise in a gender specific atmosphere, they will no longer continue to exercise. Many women attribute the support of other women working toward weight loss, muscle strengthening, flexibility training, and restorative exercise as the key to their realizing their wellness goals. In today's society of wellness promotion and disease management, we should be helping to promote exercise, not curtailing it.

While some may feel this legislation is frivolous and will promote future discrimination, I clearly and firmly disagree. This bill allows existing businesses to continue operating in Wisconsin with their intended purpose. Most importantly, this bill promotes health and wellness – two elements that are essential towards containing skyrocketing health costs.

Talking Points

Senate Bill 24 "CURVES BILL"

Senate Bill 24 provides an exception to the accommodation law prohibiting gender to discrimination in regards to a for-profit fitness center.

Current law allows for exclusions for non-profit associations that are not open to the public. (For example, country clubs are excluded because they are not open to the public; you actually have to be a member to participate.) YMCAs are not excluded because non-members can participate in activities.

• Wisconsin is one of a handful of states that has a public/accommodation law. This bill is simply amending that statute to create an exception, which is consistent with current exceptions – separate public toilets, showers, saunas, and dressings rooms for each sex and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for each sex.

The federal accommodation law does <u>not</u> include gender in its definition of discrimination, and therefore this bill would not violate federal law and/or the constitution.

This is a privacy issue. Women are more inclined to feel self conscious about their bodies, and are less apt to exercise in the presence of men. This bill weak allow for fitness centers to exist specifically designed to meet the needs of one sex - either men or women.

- For example, Curves:
 - o Many Curves clients have said that they would not continue to go there if any men joined. They feel more relaxed and at ease.
 - o The machines at Curves facilities are specifically designed for a woman.

Similar bills have been passed in other states that have this same public accommodation law, such as Massachusetts and Illinois.

• This Bill DOES NOT create discrimination against potential employees and owners.

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inavity alot pedains to adudtishe Sdecisations E.K. DIUISION **Talking Points** Senate Bill 24 "CURVES BILL" Litilation Senate Bill 24 provides an exception to the accommodation law prohibiting gender though gire steek. discrimination in regards to a for-profit fitness center. training Current law allows for exclusions for non-profit associations an discummation Wisconsin is one of a handful of states that has a public accommodation law. This bill is simply amending that statute to create an exception, which is consistent with current exceptions separate public toilets, showers, saunas, and dressings rooms for each sex and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for each sex. he federal accommodation law does not include gender in its definition of discrimination, and therefore this bill would not violate federal law and/or the under the selves to better a a w This is a privacy issue. We are more inclined to feel self conscious about their bodies, and are less apt to exercise in the presence of men. This bill would allow for fitness centers to exist specifically designed to meet the needs of one sex - either men or women. dupical numbers 35-85 ayes For example, Curves: because be · market to women Choose to o Many Curves clients have said that they would not continue to go there if any men o The machines at Curves facilities are specifically designed for a woman. could have septimes. In men is they would so thouse Similar bills have been passed in other states that have this same public accommodation law, such as Massachusetts and Illinoishane created Conthain Lares centers in outhonous Change balance Canaller coed or men. Joseph & Property downed I Privacy Health Bous This Bill DOES NOT create discrimination against potential employees and owners.

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2003 - 2004 LEGISLATURE

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2003 SENATE BILL 24

February 5, 2003 – Introduced by Senators Roessler, Harsdorf, Breske, Cowles, S. Fitzgerald, Kanavas, A. Lasee, Lazich, Leibham and Reynolds, cosponsored by Representatives Grothman, Vrakas, Montgomery, Ainsworth, Bies, Gottlieb, Gunderson, Hahn, Hines, Huebsch, Kestell, Krawczyk, Ladwig, F. Lasee, Lassa, J. Lehman, Musser, Olsen, Ott, Owens, Petrowski, Plale, Schneider, Seratti, Shilling, Stone, Suder, Towns, Underheim, Van Roy, Weber, J. Wood and Ziegelbauer. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

AN ACT *to create* 106.52 (3) (e) of the statutes; **relating to**: providing an exception to the law prohibiting discrimination in public places of accommodation to permit a fitness center whose facilities and services are intended for the exclusive use of persons of the same sex to provide the use of those facilities and services exclusively to persons of that sex.

Analysis by the Legislative Reference Bureau

Under current law, no person may deny to another the full and equal enjoyment of any public place of accommodation because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry. Current law, however, does not prohibit separate public toilets, showers, saunas, or dressing rooms for persons of different sexes and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for persons of different sexes.

This bill permits a fitness center, which is defined under current law as an establishment that, for profit, provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development, whose services or facilities are intended for the exclusive use of persons of the same sex to provide the use of those services or facilities exclusively to persons of that sex, to deny the use of those services or facilities to persons of the opposite sex, and to communicate that the use of those services or facilities will be provided exclusively to persons of the same sex and will be denied to persons of the opposite sex.

-Charala -Smul

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SENATE BILL 24

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 106.52 (3) (e) of the statutes is created to read:

106.52 (3) (e) Nothing in this section prohibits a fitness center, as defined in s. 100.177 (1) (c), whose services or facilities are intended for the exclusive use of persons of the same sex from providing the use of those services or facilities exclusively to persons of that sex, from denying the use of those services or facilities to persons of the opposite sex, or from directly or indirectly publishing, circulating, displaying, or mailing any written communication to the effect that the use of those services or facilities will be provided exclusively to persons of the same sex and will be denied to persons of the opposite sex.

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When it comes to the Curves bill, just pass it

he state Senate will consider this week the "Curves" bill, which would allow fitness centers to limit their memberships to women-only or menonly. It is a commonsense bill that deserves to sail through with a minimum of

heavy lifting.

Monday, Maveln 10, 2003

Some Democrats, of course, have already jumped on their thetorical treadmills. They chug forth the overheated argument that allowing one tiny exception to civil rights laws will cause the whole antigender bias infrastructure to come crashing down. Allow women to sweat without men around, they warn, and you can kiss Title IX good-bye. It'll be a fast track back to the bad old days when women were prohibited from running in marathons, driving in the Indy 500, and golfing in PGA tournaments.

How silly. The bill, sponsored by state Sen. Carol Roessler, R- Oshkosh, was written in response to 173 complaints against the Curves fitness chain, all filed by a La Crosse health club owner whom the state previously barred from opening his own women-only fitness center. That decision may have been legally correct, but it wasn't right then—and still isn't.

For the record, Curves says it will accept male members — but none have applied. A corporate spokesman says Wisconsin is the only state in which the franchised fitness centers have faced discrimination claims. The Legislative Reference Bureau says several other states allow narrow exemptions for fitness centers in anti-bias laws.

Every health expert in the country says we ought to be getting more exercise. If that means offering places where women can exercise without men — and viceversa — where's the harm?

Just do it.

Wisconsin State Journal

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12:30pm

821 University Avenue Vilas Hall Room 2000 P- ground floor Enter from Park Street WPA PBS studio Park in University Square parking lot Contact: Mike Edgett 263-3814

Why bring it up? Why important? Concerned about being a slippery slope? If not, why?

Carol Phillips will be interviewing you Contact: Diane Durham (404-827-4102)

When I

In the early nineties, Charles Swayne of LaCrosse approached the Wisconsin Equal Rights

Division to inquire about the possibility of establishing a women's only fitness center. He was told that Wisconsin's public accommodation law, which is the anti-discrimination law, would not allow for separate gender facilities. A few years later a Texas based fitness center, called Curves for Women, began establishing facilities throughout Wisconsin – 173 fitness center businesses to be exact.

Curves had already begun business operations in Wisconsin when the Division of Equal Rights informed Curves that operating as a woman's only fitness center is not allowed in Wisconsin because the public accommodation law does not provide a gender specific exception for fitness centers.

New Jersey, Tennessee, Illinois, and Massachusetts are four other states whose public accommodation law did not provide for gender exclusive fitness centers. These states have passed legislation amending their public accommodation law so that men and women are allowed to exercise their freedom of choice to exercise in privacy with people of the same gender. Michigan is currently working on legislation to amend their statutes. In addition, the

In order for Curves businesses to continue to operate in Wisconsin, an exception to the public accommodation law is necessary. Without an exception, Curves or any fitness center cannot even designate separate workout times specifically for men or women.

federal public accommodation law does not prohibit gender specific fitness centers.

ly for men or women.

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